

Restriction Requirement

The Office Action states that the application contains claims directed to more than one species of the generic invention, and the species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1. The species are presented as follows:

- I. A lighting apparatus having additional gap filling phosphors, corresponds to claims 1-17.
- II. A lighting apparatus having a general CRI (R_a) of greater than 95, corresponds to claims 18-32.
- III. A lighting apparatus having green emitting phosphor comprising at least one of $(\text{Ca}, \text{Sr}, \text{Ba})\text{Al}_2\text{O}_4:\text{Eu}^{2+}$; and $(\text{Ca}, \text{Sr}, \text{Ba}, \text{Zn})_2\text{SiO}_4:\text{Eu}^{2+}$, corresponds to claims 33-40.
- IV. A phosphor blend that does not include red emitting phosphor, corresponds to claims 41-49.

Applicants respectfully **traverse** the restriction requirement and submit that according to MPEP 806.04(f), to require restriction between claims limited to species, the claims must not overlap in scope. Moreover, election of a species should not be required between claimed species that are considered clearly unpatentable (obvious) or each other. (MPEP 808.01(a)). Applicant respectfully submits that the proposed species (I-IV) completely overlap in scope and are further unpatentable over each other; and therefore, should not be subject to a restriction.

Primarily, each independent claim is directed to a lighting apparatus for emitting white light that includes a semiconductor light source and a phosphor material radiationally coupled to the light source, wherein the phosphor material includes a red, orange, green, and blue emitting phosphor, in various orders, each phosphor material claiming the same peak emission. The only differences between the claims are the gap filling phosphors (Species I), general CRI (R_a) of greater than 95 (Species II), green emitting phosphors comprising at least one of $(\text{Ca}, \text{Sr}, \text{Ba})\text{Al}_2\text{O}_4:\text{Eu}^{2+}$; and $(\text{Ca}, \text{Sr}, \text{Ba}, \text{Zn})_2\text{SiO}_4:\text{Eu}^{2+}$ (Species III), and phosphor blend that does not include red emitting phosphor (Species IV).

Applicant submits, however, that for at least Species I-III, the differentiating features of each Species are all found in the dependent claims of the remaining Species. For Example, Species I includes claim 8 directed to the feature of Species III and claim 13 directed to the feature of Species II. Species II includes claim 25 directed to the feature of Species III, and

claims 23 and 28 directed to the feature of Species I. Species III includes claims 38 directed to the feature of Species II and claim 40 directed to the feature of Species I. Accordingly, Applicant asserts that not only do at least Species I-III completely overlap in scope, but Species I-III are also unpatentable over one another. Accordingly, Applicant respectfully submits that at least the restriction requirement as to Species I-III should be withdrawn.

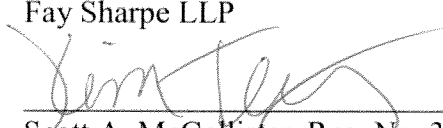
It is respectfully submitted that this application is in condition for substantive examination. Such examination is therefore earnestly solicited.

Respectfully submitted,

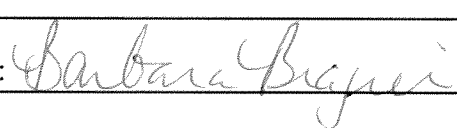
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July 15, 2010

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